

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE OPTIVER COMMODITIES LITIGATION

Master File No.  
08-CV-6842 (LAP)  
ECF Case

This Document Relates To: All Actions

Judge Loretta A. Preska

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**~~PROPOSED~~ ORDER FOR DISTRIBUTION OF NET SETTLEMENT FUND**

WHEREAS, the Court previously granted final approval (ECF No. 93) to the Stipulation and Agreement of Settlement between the Plaintiffs<sup>1</sup> and Defendants<sup>2</sup> (ECF No. 72-1, “Settlement”);

WHEREAS, the Court-appointed Settlement Administrator, A.B. Data, Ltd. (“AB Data”), has made its final determinations concerning proofs of claim submitted by persons seeking to share in the net proceeds of the Settlement;

WHEREAS, on December 24, 2019 Plaintiffs filed a motion seeking approval for a distribution of the Net Settlement Fund (“Distribution Motion”);

WHEREAS, the Distribution Motion and its supporting papers, including AB Data’s final determinations, have been posted on the official website for the

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<sup>1</sup> “Plaintiffs” refers to Plaintiffs Michael Amdur, Brendan Cody, Charles Hynes and Richard White.

<sup>2</sup> “Defendants” refers to Defendants Optiver US LLC, Optiver Holding B.V., Optiver VOF, Christopher Dowson, Bastiaan van Kempen, and Randal Meijer.

Settlement; and

WHEREAS, the Court having considered all papers filed and proceedings had herein and otherwise being fully informed in the premises and good cause appearing therefor,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

1. The Court approves the administrative determinations of the Court-appointed Settlement Administrator, AB Data, concerning the proofs of claim as set forth in the Declaration of Eric J. Miller on Behalf of A.B. Data, Ltd., In Support of Plaintiffs’ Motion for Authorization to Distribute Net Settlement Fund, dated December 18, 2019 (“Miller Declaration”) and submitted in connection with the Distribution Motion.

2. The Court further finds that the determinations made by AB Data with respect to proofs of claim and the distribution of the Net Settlement Fund based on AB Data’s calculations and determinations are all fair, reasonable and adequate to the Settlement Class and are hereby approved.

3. Accordingly, the Court directs the distribution of the Net Settlement Fund—after deducting the amounts referenced in ¶¶5-7 below—to the claimants who have submitted claims AB Data has determined to be timely and eligible to share in the Net Settlement Fund and in such shares as set forth in the Miller Declaration. With respect to the 51 claims AB Data has determined to be untimely

but otherwise eligible, the Court hereby finds that such claims are approved for purposes of sharing in the Net Settlement Fund.

4. The Court hereby approves the payment of the sum of \$10,922,008.72 to the eligible Settlement Class Members in the respective amounts set forth in Ex. A hereto.

5. The Court hereby approves a reserve fund of \$200,000 to be created and, if equitable, distributed to Settlement Class Members within one hundred fifty days of the initial distribution of the Net Settlement Fund or as otherwise ordered by the Court.

6. The Court hereby approves payment of \$163,825.50 from the Settlement Fund to the Court-appointed Class Counsel for the Settlement Class for attorneys' fees incurred after the Fairness Hearing on June 2, 2015 in connection with the settlement administration process. The Court finds such payments are fair, reasonable and adequate.

7. The Court hereby approves payment of \$93,821.76 from the Settlement Fund to the Court-appointed Settlement Administrator, AB Data, for (a) the balance of its outstanding fees and expenses incurred in connection with its provision of notice to the Class and the administration of the Settlement, and (b) the remaining work and costs to send the Settlement distribution checks, close the Settlement Fund, and complete the administration of the Settlement. The Court

finds such payments are fair, reasonable and adequate.

8. If the distribution contemplated by this Order does not result in a full and final distribution of all settlement funds associated with the Settlement, then Class Counsel shall report back to the Court and seek approval for a final distribution of the remaining settlement monies.

9. The Court hereby bars any further claims against the Settlement Fund.

10. AB Data and Class Counsel are directed to execute this Order and shall not be liable to Class members or claimants for any reason in executing and complying with this Order.

**IT IS SO ORDERED.**

Dated: ~~December \_\_, 2019~~  
July 28, 2020

  
\_\_\_\_\_  
United States District Court Judge

# EXHIBIT A

Total Proofs of Claim: 121

Total Allowed Claims: \$10,515,407.12

Claim ID	Allowed Claim	Estimated Payment	Claim ID	Allowed Claim	Estimated Payment
25732391-0	\$298,469.91	\$221,999.53	25732446-0	\$584,711.11	\$434,903.44
25732393-0	\$40,065.46	\$29,800.37	25732461-0	\$24,334.38	\$18,099.72
25732396-0	\$552.84	\$411.20	25732465-0	\$19,839.75	\$14,756.65
25732397-0	\$8,275.65	\$6,155.36	26828961-0	\$4,930.68	\$3,667.40
25732398-0	\$4,932.62	\$3,668.84	26828961-1	\$289.53	\$215.35
25732494-0	\$63,618.75	\$47,319.12	25732450-0	\$8,902.19	\$6,621.38
25732516-0	\$17,635.02	\$13,116.79	25732458-0	\$41,694.42	\$31,011.98
25732404-1	\$313.04	\$232.84	25732459-0	\$820,449.42	\$610,243.71
25732404-5	\$792.01	\$589.09	25732489-0	\$627,271.23	\$466,559.32
25732404-11	\$66,613.08	\$49,546.28	25732489-1	\$52,291.04	\$38,893.66
25732404-12	\$4,559.82	\$3,391.56	25732469-0	\$2,449.73	\$1,822.09
25732404-14	\$104.45	\$77.69	25732469-1	\$159,176.09	\$118,393.90
25732404-17	\$746.88	\$555.52	25732469-2	\$5,770.96	\$4,292.39
25732404-19	\$728.42	\$541.79	25732469-4	\$33,419.09	\$24,856.85
25732404-28	\$315.25	\$234.48	25732469-5	\$3,307.15	\$2,459.83
25732404-33	\$4,874.64	\$3,625.72	25732469-6	\$39,308.88	\$29,237.63
25732404-34	\$2,889.26	\$2,149.01	25732469-13	\$293,192.55	\$218,074.27
25732404-43	\$329.91	\$245.38	25732469-15	\$6,749.95	\$5,020.56
25732404-45	\$841.70	\$626.05	25732469-16	\$4,537.28	\$3,374.79
25732404-51	\$572.86	\$426.09	25732469-17	\$105.60	\$78.54
25732404-52	\$25.34	\$18.85	25732469-18	\$342.64	\$254.85
25732404-54	\$16,074.25	\$11,955.90	25732469-19	\$75,731.06	\$56,328.16
25732404-55	\$16,186.48	\$12,039.37	25732469-20	\$34,467.33	\$25,636.52
25732404-56	\$652.98	\$485.68	25732469-21	\$470,233.21	\$349,755.70
25732404-60	\$22.62	\$16.82	25732517-0	\$493.71	\$367.22
25732404-62	\$197.40	\$146.82	25732518-0	\$574.74	\$427.49
25732404-66	\$18,625.75	\$13,853.68	25732468-0	\$17,123.48	\$12,736.31
25732404-67	\$7,459.49	\$5,548.31	25732468-1	\$55,528.20	\$41,301.43
25732406-0	\$6,141.60	\$4,568.07	25732468-2	\$44,223.31	\$32,892.94
25732407-0	\$16,582.32	\$12,333.80	25732468-5	\$280,905.49	\$208,935.25
25732408-0	\$26,408.88	\$19,642.71	25732477-2	\$503.82	\$374.74
25732409-0	\$12,283.20	\$9,136.15	25732478-0	\$5,743.58	\$4,272.03
25732410-0	\$356.68	\$265.30	25732478-1	\$35,262.49	\$26,227.96
25732411-0	\$23,451.47	\$17,443.02	25732479-0	\$85,696.80	\$63,740.59
25732412-0	\$980.05	\$728.95	25732479-1	\$22,091.50	\$16,431.48
25732413-0	\$41,550.92	\$30,905.24	25732479-4	\$8,384.25	\$6,236.14
25732420-0	\$352.80	\$262.41	25732488-0	\$1,925.74	\$1,432.35
25732419-0	\$17,795.89	\$13,236.44	25732491-1	\$209.23	\$155.62
25732435-0	\$1,581,241.89	\$1,176,115.05	25732491-2	\$572.28	\$425.66
25732431-0	\$355,172.71	\$264,174.62	25732491-3	\$5,092.96	\$3,788.10
25732431-5	\$183,564.96	\$136,534.15	25732491-4	\$2,240.98	\$1,666.82
25732436-0	\$2,866.48	\$2,132.06	25732491-5	\$3,796.76	\$2,824.00
25732451-3	\$202.16	\$150.36	25732491-6	\$928.98	\$690.97
25732442-0	\$157.44	\$117.10	25732491-7	\$878.66	\$653.54
25732447-0	\$368,980.20	\$274,444.52	25732491-8	\$14,194.16	\$10,557.50
25732448-0	\$55,838.84	\$41,532.48	25732491-9	\$12,311.09	\$9,156.89
25732456-0	\$99,313.22	\$73,868.38	25732491-10	\$130.71	\$97.22
25732456-5	\$7,111.40	\$5,289.40	25732491-11	\$209.23	\$155.62
25732456-6	\$198.02	\$147.29	25732491-12	\$231.07	\$171.87
25732456-7	\$35,200.60	\$26,181.92	25732492-2	\$561,645.43	\$417,747.37
25732456-8	\$5,184.15	\$3,855.93	25732492-3	\$528,081.17	\$392,782.54
25732456-9	\$95.83	\$71.28	25732495-0	\$6,985.50	\$5,195.76
25732456-12	\$6,814.97	\$5,068.92	26828982-6	\$30.85	\$22.95
26828964-0	\$1,146,509.25	\$852,764.40	26828982-8	\$59.96	\$44.60
26828965-0	\$68,775.70	\$51,154.81	26828982-11	\$1,462.36	\$1,087.69
26828967-0	\$65,085.39	\$48,409.99	26828982-12	\$1,937.63	\$1,441.19
26828983-0	\$159,060.84	\$118,308.18	26828982-14	\$36.56	\$27.19
26828984-0	\$114,577.60	\$85,221.90	26828988-0	\$4,879.81	\$3,629.56
26828985-0	\$510.47	\$379.68	26829000-0	\$14,305.81	\$10,640.55
26828986-0	\$163,015.14	\$121,249.36	26829000-1	\$16,716.87	\$12,433.87
26828987-0	\$324,649.73	\$241,471.87			

Total Proofs of Claim: 51

Total Allowed Claims: \$4,168,817.57

Claim ID	Allowed Claim	Submission Date	Estimated Payment
26828994-0	\$282,373.09	10/8/2015	\$210,026.84
26828995-0	\$18,207.34	10/15/2015	\$13,542.47
26828996-0	\$360,379.27	10/15/2015	\$268,047.21
25732535-0	\$34,765.97	6/7/2016	\$25,858.65
25732536-0	\$123,318.00	12/12/2016	\$91,722.94
25732536-1	\$23,555.42	12/12/2016	\$17,520.33
25732537-0	\$83,013.50	6/16/2017	\$61,744.78
26829003-0	\$10,592.56	5/16/2019	\$7,878.66
26829003-4	\$9,537.60	5/16/2019	\$7,093.99
26829003-6	\$94,689.76	5/16/2019	\$70,429.49
26829003-7	\$79,274.12	5/16/2019	\$58,963.46
26829003-8	\$71,431.17	5/16/2019	\$53,129.93
26829003-17	\$56,253.00	5/16/2019	\$41,840.53
26829003-19	\$18,530.42	5/16/2019	\$13,782.78
26829003-20	\$245,784.61	5/16/2019	\$182,812.62
26829003-24	\$61,203.50	5/16/2019	\$45,522.67
26829003-27	\$695.20	5/16/2019	\$517.08
26829003-32	\$740,117.61	5/16/2019	\$550,493.55
26829003-33	\$19,412.80	5/16/2019	\$14,439.09
26829003-34	\$352,757.95	5/16/2019	\$262,378.54
26829003-40	\$73,977.83	5/16/2019	\$55,024.12
26829003-41	\$26,683.98	5/16/2019	\$19,847.33
26829003-42	\$38,646.64	5/16/2019	\$28,745.06
26829003-43	\$3,864.32	5/16/2019	\$2,874.25
26829003-44	\$54,584.25	5/16/2019	\$40,599.33
26829003-47	\$159,426.23	5/16/2019	\$118,579.95

Claim ID	Allowed Claim	Submission Date	Estimated Payment
26829003-53	\$15,265.36	5/16/2019	\$11,354.25
26829003-54	\$1,818.70	5/16/2019	\$1,352.73
26829003-55	\$159,988.58	5/16/2019	\$118,998.22
26829003-56	\$40,055.26	5/16/2019	\$29,792.78
26829003-57	\$746.26	5/16/2019	\$555.06
26829003-59	\$7,587.51	5/16/2019	\$5,643.53
26829003-60	\$4,954.50	5/16/2019	\$3,685.12
26829003-61	\$278,729.78	5/16/2019	\$207,316.98
26829003-62	\$52,102.79	5/16/2019	\$38,753.64
26829003-64	\$16,862.56	5/16/2019	\$12,542.24
26829003-65	\$167,145.94	5/16/2019	\$124,321.81
26829003-66	\$32,931.24	5/16/2019	\$24,493.99
26829003-68	\$110,177.74	5/16/2019	\$81,949.32
26829003-71	\$12,586.80	5/16/2019	\$9,361.96
26829003-72	\$186.56	5/16/2019	\$138.76
26829003-76	\$1,956.24	5/16/2019	\$1,455.04
26829003-81	\$597.01	5/16/2019	\$444.05
26829003-85	\$36,884.32	5/16/2019	\$27,434.26
26829003-90	\$19,509.15	5/16/2019	\$14,510.75
26829003-94	\$4,474.02	5/16/2019	\$3,327.74
26829003-96	\$131,049.94	5/16/2019	\$97,473.90
26829003-98	\$21,569.94	5/16/2019	\$16,043.55
26829003-99	\$3,486.14	5/16/2019	\$2,592.96
26829003-100	\$2,937.68	5/16/2019	\$2,185.02
26829004-0	\$2,137.41	6/13/2019	\$1,589.79